

Application Serial Number 10/783,861

Attorney Docket No.: 26509-0004

REMARKS**Introduction**

The applicant appreciates the careful review of the application that the Examiner has conducted. We enclose herein proposed amendments and submissions in response to all objections and rejections raised in the first Office Action.

Detailed Remarks☐ ***Objections***☐ ***Specification***☐ ***Objection to the Word "Complemental" Pursuant to MPEP §608.01(b)***

The Office Action objects to the use of the word "complemental" in the Abstract and Disclosure pursuant to MPEP §608.01(b), asserting that "complemental" is not a word and that all occurrences of it in the specification should be replaced with the word "complementary".

The applicant submits that "complemental" is a synonym for "complementary" and a proper word in the English language. It is defined in both the *Oxford English Dictionary (Second Edition)*¹ and *Webster's Third New International Dictionary, Unabridged*².

The applicant therefore respectfully requests that this objection be withdrawn.

☐ ***Objection to the Word "Created"***

The Office Action objects to the use of the word "created" at page 1, line 22 and suggests replacement with the word "create".

¹ 1. Of the nature of a complement; completing. 2. Forming a complement (to), complementary.

² 1. That has to do with a complement: as a: SUPPLEMENTAL, COMPLETING.

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The applicant requests that the application be so amended, as fully detailed on page 3 of this paper.

The applicant respectfully submits that this amendment overcomes the objection.

☐ ***Claims***

☐ ***Dependency of Claim 16***

The Office Action objects that apparatus claim 16 depends from method claim 1 and suggests that the applicant intended for claim 16 to depend from apparatus claim 11.

The applicant requests that the application be so amended, as fully detailed on page 4 of this paper.

The applicant respectfully submits that this amendment overcomes the objection.

☐ ***Drawings***

☐ ***Objection in Only Office Action Summary***

The Office Action summary indicates by checkbox that the drawings are objected to; however, the Detailed Action does not include any objection.

Applicant respectfully requests that this objection be either withdrawn or advanced.

☐ ***Claim Rejections***

☐ ***Anticipation Under 35 USC §102 in View of US 5,755,068 (Ormiston)***

The Office Action asserts that claims 1-3, 6-9, 11-13 and 15-18 are anticipated by Ormiston.

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Applicant submits that although some of the drawings in Ormiston look deceptively similar to some of the drawings in the present application, the two sets of drawings actually depict very different inventions, having different structures for addressing different applications.

Ormiston teaches decorative panels for sheeting floors, ceilings or walls. A thick base layer (16) of strong but ugly fiberboard is augmented with a thin layer of attractive, but expensive, veneer (18) affixed to its front surface and a thin protective backing layer (22) affixed to its back surface.³ These layers are all aligned, not staggered.

These veneer panels (12) are typically four feet wide by eight feet or ten feet long, but one panel might be divided into two smaller panels, each two feet wide, for easier handling.⁴

Ormiston addresses the problem that large panels laid adjacently create long, ugly seams between them. Ormiston solves this problem by cutting decorative grooves in the veneer layer

³ Column 3, Line 45 - Column 4, Line 9: Veneer panel 12 is formed from a rectangular blank and includes a plurality of layers as shown particularly in FIG. 4-6 including a base or core layer 16 preferably formed of a pressed board or fiberboard material of wood fibers which may include a resin. An outer veneer layer 18 is secured by a suitable adhesive 20 to base or core layer 16. Veneer layer 18 is preferably formed of a wood veneer material between around 1/64 inch and 3/8 inch in thickness. Veneer 18 is preferably formed of a natural wood veneer or may be formed also of recomposed wood. A suitable material for base layer 16 is a medium density fiberboard sold under the trade name "Meditc FR" by Meditc Corporation of N. Mtx., Las Vegas, N. Mex. Another suitable material for base or core layer 16 is sold under the name "Duron" by Wood Fiber Industries of the Masonite Corporation, Chicago, Ill. A glue material that has been found to be satisfactory for glue layer 20 is designated as "Casco Resin 583" sold by Borden Packaging and Industrial Products, a division of Borden, Inc., Bellevue, Wash.

A backing sheet or layer 22 is adhesively secured by a glue layer 24 to the lower or bottom surface of core layer 16. Backing layer 22 may comprise, for example, a resin impregnated paper, a plastic material, or a wood fiber material. A backing sheet 22 which has been found to be satisfactory is sold under the mark "Gator.cndot.Ply" by International Paper Company, Statesville, N.C. Glue layer 24 is similar to glue layer 20 and formed of the same type of material. A bottom peelaway protective paper or plastic sheet 28 is secured by a pressure sensitive adhesive 26 to backing sheet 22. In some instances, it may be desirable to delete plastic sheet 28 and adhesive layer 26 from veneer panel 12.

⁴ Column 5, Lines 32 - 38.

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(18) to distract the eye away from the actual seams, for example by simulating wooden planks.⁵

These decorative grooves may not even cut all the way through the veneer layer (18).

However, for some panel designs or patterns, it may be desirable that grooves 30 not extend into base layer 16.⁶

Ormiston further enhances the illusion by cutting the ends of the panels into interfitting projecting end portions (32).

At least one end of the veneer panel (10) is cut across its entire thickness to form projecting end portions (32B) of varying lengths corresponding to the veneer rows (30) and defining slotted spaces (36) between the projecting end portions (32B). A complementary projecting end portion (32B) of an adjacent panel is provided and the end portions (32B) on complementary panels are interfitted to form a staggered joint defined by a plurality of transverse grooves across the entire width of the panels similar to the remaining grooves (30, 34).⁷

Ormiston describes this joint as being a staggered joint; however, the actual layers of wood are not staggered, but aligned, in lamination.

In contrast, the present invention is directed to a completely different problem.

Lumber is a popular and effective building material; however, it does have a number of shortcomings. Perhaps most significant among these shortcomings, lumber is becoming increasingly difficult to find in long, straight, unblemished pieces. And even when such pieces of lumber are available, they have generally

⁵ Column 1, Lines 40 - 44: The present invention is directed to veneer panels which are designed to interfit with each other without seams or joints between the panels being easily detected visually thereby to simulate a plurality of wooden planks or the like in staggered end to end relation.

Column 1, Lines 53 - 56: A decorative design in the outer veneer can be easily achieved by computerized routing machines which, such as a CNC router sold under the name "Protec" by Biesse America of Charlotte, N.C.

⁶ Column 4, Lines 31 - 33.

⁷ Abstract.

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become far too expensive to use as mere building materials, for example as framing members.⁸

This different problem is addressed with a completely different structure. Elongated boards of lumber -- not broad sheets of fiberboard, veneer, or backing -- are laminated together into structural bricks. Furthermore, instead of being aligned for lamination, the boards are staggered along two different dimensions to provide interlocking couplings.

With reference now to FIGS. 5 through 9, it can be seen that the brick 10a is a laminate structure formed from a number of staggered boards 20a of similar shape and size. In this embodiment, the brick 10a is formed from five boards 20a, each board 20a being nominally a three-foot long two-by-six. Nevertheless, the size of the boards 20a can be selected to suit the timber available and the application specified. For example, if the timber available is of such low grade that it can't yield enough good quality three-foot two-by-sixes for the application, then it might be possible to optimize the timber available by cutting it into a larger number of good quality smaller boards 20a (i.e. cutting out the bad portions without scraping good quality but shorter lumber) to form more, but smaller, bricks 10a.⁹

As best seen in FIGS. 6 through 9, the boards 20a are grouped into a set of two even-boards 20a-E and a set of three odd-boards 20a-O. The odd-boards 20a-O are disposed with respect to each other such that their board-ends 26a-O and their board-edges 22a-O are aligned in respective common planes and their board-faces 24a-O are parallel. The even-boards 20a-E are disposed with respect to each other such that their board-ends 26a-E and their board-edges 22a-E are aligned in respective common planes and their board-faces 24a-E are parallel. The odd-boards 20a-O as a set and the even-boards 20a-E as a set are disposed with respect to each other such that their respective board-ends 26a-O, 26a-E and board-edges 22a-O, 22a-E are staggered but their board-faces 24a are parallel. In this manner, the staggered boards 20a are disposed to form a brick 10a having tongue-and-groove couplings 18a at its top

⁸ Paragraph [0005].

⁹ Paragraph [0042]

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brick-edge 12a-T, bottom brick-edge 12a-B, front brick-end 16a-F,
and aft brick-end 16a-A.¹⁰

The present invention specifically teaches that couplings can be made from staggering the boards as opposed to machine operations, like those used by Ormiston.

The present invention relates to a laminate wooden brick and a method for making it. The brick is formed as a lamination of boards that have been staggered in a predetermined manner. Each brick has complementary couplings on its edges and ends to securely engage adjacent bricks; however, these couplings are not machined into the bricks, but are instead the result of staggering the constituent boards in the predetermined manner.¹¹

Perhaps most concisely, the present invention teaches in independent claims 1 and 11:

A method, comprising: a) staggering a plurality of boards together, such that: (i) the boards' respective adjacent faces abut, and (ii) at least one of the boards' respective edges and the boards' respective ends collectively form a predetermined tongue-and-groove coupling, and b) fixing together the boards so staggered into a brick.¹²

An apparatus, comprising: (a) a plurality of boards staggered together, such that: (i) the boards' respective adjacent faces abut, and (ii) at least one of the boards' respective edges and the boards' respective ends collectively form a predetermined tongue-and-groove coupling, and (b) means for fixing the plurality of boards together so staggered into a brick.¹³

Ormiston offers no such teaching.

Applicant respectfully submits that Ormiston does not anticipate independent claims 1 and 11, and thus also does not anticipate claims 2-3, 6-9 and claims 12-13, 15-18 that depend

¹⁰ Paragraph [0044]

¹¹ Abstract.

¹² Claim 1.

¹³ Claim 11.

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respectively from them. In particular, with respect to claims 6-9 and 16-18, applicant respectfully submits that Ormiston teaches nothing about raceways, focussing instead on cut-out portions (37) and corresponding inserts (39) that cooperate to form decorative inlays.

Applicant therefore respectfully requests that these rejections be withdrawn.

☐ ***Obviousness Under 35 USC §103 in View of Ormiston & US 4,688,362 (Pedersen)***

The Office Action asserts that claims 10, 19 and 20 are obvious in view of Ormiston in combination with Pedersen.

For the reasons detailed above, applicant respectfully submits that Ormiston is completely nonanalogous art and that it teaches the invention neither on its own nor in combination with Pedersen.

Applicant therefore respectfully requests that these rejections be withdrawn.

☐ ***Obviousness Under 35 USC §103 in View of Ormiston & US 4,644,719 (Salazar)***

The Office Action asserts that claims 4, 5 and 14 are obvious in view of Ormiston in combination with Salazar.

For the reasons detailed above, applicant respectfully submits that Ormiston is completely nonanalogous art and that it teaches the invention neither on its own nor in combination with Salazar.

Applicant therefore respectfully requests that these rejections be withdrawn.

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Conclusion

The applicant believes that the amendments proposed and the submissions advanced overcome all of the rejections and objections raised in the Office Action.

In view of these amendments and submissions, favorable consideration and allowance of the application are respectfully requested.

Respectfully submitted,

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